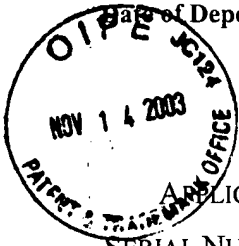


Express Mail Label No.: EV312 3379US

Date of Deposit: November 14, 2003

Attorney Docket No.: 20363-011

# 23



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Silver *et al.*

SERIAL NUMBER : 09/834,778

EXAMINER : Daniel M. Sullivan

FILING DATE : April 12, 2001

ART UNIT : 1636

FOR : SELF-EXTINGUISHING RECOMBINASES, NUCLEIC ACIDS ENCODING THEM AND METHODS OF USING THE SAME

**MAIL STOP PETITIONS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION PURSUANT TO 37 C.F.R. 1.78(a)(6) TO ACCEPT UNINTENTIONALLY-DELAYED CLAIM OF PRIORITY UNDER 35 U.S.C. 119(e) FOR THE BENEFIT OF A PRIOR FILED PROVISIONAL APPLICATION**

Pursuant to 37 C.F.R. § 1.78(a)(6), this petition is submitted to request perfection of the benefit claim in the above-referenced application. Although a benefit claim was included in an executed oath and declaration submitted on July 30, 2001 and indicated on an updated filing receipt mailed on August 20, 2001 (courtesy copies enclosed), it was only recently noted that the instant application did not contain specific reference to the provisional application listed therein in the first sentence of the specification, as required under 37 C.F.R. § 1.78(a)(5). An amendment filed under 37 C.F.R. § 1.312 is being filed concurrently herewith to amend the specification to contain a reference to U.S. Provisional Application No. 60/196,338 filed April 12, 2000 from which the instant application claims benefit.

The undersigned asserts that the entire delay between the date the benefit claim was due, according to 37 C.F.R. § 1.78(a)(5)(ii), and the date the benefit claim was perfected was unintentional, as required by 37 C.F.R. § 1.78(a)(6). Once aware of the delay, the undersigned worked diligently to have the benefit claim corrected.

11/19/2003 HGBREMI 00000058 09834778

01 FC:1454

1330.00 OP

Adjustment date: 06/15/2004 AKELLEY  
11/19/2003 HGBREMI 00000058 09834778  
01 FC:1454 -1330.00 OP  
Repln. Ref: 06/15/2004 AKELLEY 0012571800  
DAH:500311 Name/Number:09834778  
FC: 9204 \$1330.00 CR

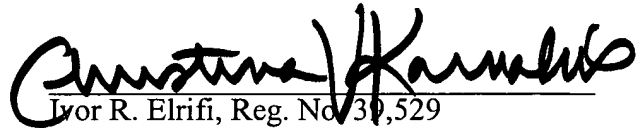
**RECEIVED**

NOV 20 2003

**OFFICE OF PETITIONS**

Applicants submit herein Check No. 17548 in the amount of \$1,330.00 for payment of the surcharge specified in 37 C.F.R. § 1.17(t). The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 20363-011.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529  
Christina V. Karnakis, Reg. No. 45,899  
Attorney for Applicants  
c/o MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY AND POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
**Customer No. 30623**

Dated: November 14, 2003

TRA 1852038v1

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>6-15-04</u>		2 Serial/Patent # <u>09/834778</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
	Petition		11-14-03	\$ 1330							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$ 1330								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>5</td><td>0</td><td>--</td><td>0</td><td>3</td><td>1</td><td>1</td></tr></table>			5	0	--	0	3	1	1
5	0	--	0	3	1	1					
	No Fee Due (Explanation):										
Petr. dismissed as moot.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Petr. Exm.</u>									
SIGNATURE: <u>Karen Creasy</u>		PHONE: <u>305-8859</u>									
OFFICE: <u>PTAC for Patents</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>6/15/04</u>									

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*